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IN THE

Supreme Court of the United States

OCTOBER TERM, 1945.

No. 717

ROSE K. JOYCE,

Petitioner,

vs.

BOARD OF EDUCATION OF THE CITY OF CHICAGO,
a Body Politic and Corporate

PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF THE STATE OF ILLINOIS, FIRST DISTRICT.

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To the Honorable, the Justices
of the Supreme Court of the United States:

Your petitioner, Rose K. Joyce, respectfully shows to the court that she is a citizezn of the United State, native born, and a resident of the City of Chicago, County of Cook, and State of Illinois; that from 1925 to February 28, 1942,

she was a teacher in the public schools of the City of Chicago under jurisdiction of the Board of Education of said city and during the last ten years of her service was a high school teacher in the Hyde Park High School.

That the judgment here sought to have reviewed was entered by the Appellate Court of Illinois, First District, which judgment became final in said Appellate Court when the Supreme Court of Illinois, the highest judicial tribunal of that State, denied a petition for leave to appeal thereto from said Appellate Court.

The action below was a certiorari in the Circuit Court of Cook County, Illinois, to quash a record of the Board of Education of the City of Chicago by which petitioner was dismissed from service as a high school teacher upon charges of alleged un-American statements said to have been made in the class room and because of a letter written to one of petitioner's pupils; the trial court refused to quash the record, quashed the writ instead, the said Appellate Court affirmed the trial court, and the Supreme Court of Illinois denied leave to appeal.

The Appellate Court of Illinois affirmed the judgment on the fact of the letter alone.

Summary Statement of the Matter Involved.

Petitioner was born in Chicago, Illinois, on June 16, 1903 and graduated from the Hyde Park High School in 1921. She attended the University of Chicago until 1924 and was there given a degree of Bachelor of Philosophy. She graduated from Chicago Normal College in June, 1925; and in 1936 was given a Master's degree by Loyola University, where on sabbatical leave, she studied philosophy.

Petitioner commenced teaching in the Chicago Schools in 1925. Her first assignment was in Beaubien Elementary School where she taught for five years; then one year in Marshall High School; in 1933 petitioner went to Hyde Park High School where she taught the subjects of Latin American, Medieval and General History until February 28, 1942, when she was suspended from service (Abst. 91).

On February 28, 1942 petitioner received a communication from the Superintendent of Schools of said city advising her that she was suspended pending trial of charges filed against her by him (Abst. 19-20).

The Superintendent of Schools on February 28, 1942 reported his action to the Board of Education in which he stated that "the services of Rose K. Joyce, a teacher at the Hyde Park High School are unsatisfactory," and filed therewith his charges against petitioner as follows:

> "That said Rose K. Joyce is guilty of conduct unbecoming a school teacher in the Chicago Public Schools" (Abst. 19).

Thereafter the Board of Education on March 4, 1942 approved the action of the Superintendent of Schools and referred the charges so preferred to the General Committee (all members) as a trial committee to hear the evidence and report its conclusions (Abst. 130).

On April 1, 1942 petitioner was served with notice of hearing with a further specification of the charges against petitioner stating again that petitioner was "guilty of conduct unbecoming a teacher in the Chicago Public Schools" for the following reasons:

> "1. That she made un-American statements in her class room derrogatory to the United States government. 2. That she wrote a letter to a former student of hers who failed to register in accordance with the Selective Service Proclamation of the President of the United States congratulating him on his 'courageous and idealistic stand'' (Abst. 21).

Petitioner was served with a copy of the charges which were tried by the general committee consisting of the president and all other members.

At the close of the evidence in support of the charge petitioner moved to dismiss the charges which was overruled.

The general committee reported to the Board its findings sustaining the charges and recommended that petitioner be dismissed from the service.

On hearing the report the Board on June 25, 1942, adopted the report and concurred in the findings and recommendations of the committee, and petitioner was thereby dismissed from her said position.

On August 14, 1942, petitioner filed in the Circuit Court of Cook County her petition for the writ of certiorari to review the record of said Board of Education.

The Complaint In the Circuit Court of Cook County For the Writ of Certiorari.

The complaint for Certiorari filed in the Circuit Court of Cook County by which it was sought to quash the record of the Board of Education, after alleging the pertinent facts, charges as follows:

> 24. That said action and decision of respondent is final under the terms of said statute of Illinois; and

that plaintiff has no other relief in the premises except by this complaint.

25. That said finding, decision and order of respondent violates plaintiff's rights as preserved and guaranteed by article 2, sections 2 and 4 of the Constitution of Illinois (1870) as follows: (2) "No person shall be deprived of life, liberty or property without due process of law." (b) "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of this liberty * * *".

26. That said finding, decision and order of respondent violates the 1st section of the Fourteenth amendment to the Constitution of the United States which provides that: * * * "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

29. That it appears from said proceedings before respondent that plaintiff was capriciously and arbitriarily suspended for a pretended "conduct unbecoming a school teacher in Chicago" without setting forth what, in the opinion of said Superintendent of Schools, construes to be "conduct unbecoming a school teacher in Chicago"; that thereafter said Superintendent of Schools pretended to state what such "conduct unbecoming a teacher in the Chicago public schools" means by charging that plaintiff (1) "made un-American statements in her class room derogatory to the United States Government," without specifying such alleged "un-American statements", and (2) wrote a letter congratulating a former student, who had refused to register for the draft because of conscientious objections congratulating him on his "courageous and idealistic stand", but without specifying wherein and how such action of plaintiff is either unbecoming a teacher or un-American is otherwise wrong.

30. That it appears from said proceedings before respondent that plaintiff and the history teachers of respondent were and are subject to the whims and caprices of members of respondent as to what constitutes patriotism, as to what shall be and shall not be taught, so that plaintiff and said teachers must teach not the true facts of history, but the brand of history, which might meet with the approval of the Board of respondent then in office.

10. That the record in said trial proceedings shows that in trying said charges set out in Exhibit 2, plaintiff has been deprived of a substantial and valuable right, to-wit: her employment as a teacher, as aforesaid without due process of law, that she has been deprived of her said employment in violation of the statute of the State of Illinois hereinbefore referred to, by the terms whereof her tenure of said employment is secured, or purports to be secured, that the deprivation of her said employment, the same being a valuable property right, constitutes the deprivation of her property without due process of law.

11. More particularly plaintiff shows that the acts of respondent in the premises are in violation of the Constitution of the State of Illinois and of the United States, which Constitutions guarantee to plaintiff that she shall not be deprived of property without due process of law, in the following respects, all of which will more fully appear upon an inspection of the record of the proceeding had in the premises by respondent:

a. That said purported and pretended charges do not constitute "cause" for removal within the meaning of the statute;

b. That said purported and pretended charges are vague, informal, insufficient and are too indefinite and uncertain to comply with the statutory requirement pertaining to "written charges", hereinabove referred to;

c. That said supposed charges do not contain any averment of fact but are conclusions of the pleader, who prepared said supposed charges;

d. That said supposed charges do not state or set forth any violation on the part of the plaintiff of any rule, regulation, or by-law of respondent;

f. That no competent evidence, and no evidence of any weight was received in support of said charges upon said trial;

g. That the findings of said trial Committee and the order of respondent are based on no substantial evidence in the record;

h. That the findings of the so-called "Trial Committee" do not constitute "cause" for removal within the meaning of the aboresaid statute;

i. That the findings of said "Trial Committee" are based upon the unreliable evidence of self-contradicted witnesses;

j. That the findings of said "Trial Committee" consisted of mere conclusions based upon mere conclusions and opinions of immature children relating to the study of historical events as discussed in classes months prior to the date of the hearing;

k. That the report of said "Trial Committee" and the findings thereof, as well as the findings of respondent with reference to said charges, consist wholly of conclusions, and contain no findings of fact upon which could be predicated the action of respondent in discharging plaintiff from her said employment.

The writ was granted and the Board of Education filed its return to said writ and the entire record of said Board, including the evidence heard, was certified to the Circuit Court of Cook County.

The Return of the Board of Education to the Writ for Certiorari.

The Board of Education filed as its return to said writ of certiorari a complete transcript of the record of the proceedings including a transcript of the testimony in the

matter of the charges, investigation and dismissal of petitioner from the teaching force of the Board of Education.

Petitioner then moved to quash said record, and the Board of Education moved to quash the writ. The motion to quash the record was denied and the motion to quash the writ was allowed and the petition dismissed at plaintiff's costs (Abst. 146).

Petitioner then perfected an appeal to the Appellate Court of Illinois for the First District thereof. The cause was there argued and the judgment of the Circuit Court of Cook County was affirmed.

A petition for leave to appeal was filed in the Supreme Court of Illinois and denied by that Court September 12, 1945, thereby making the judgment of the Appellate Court final.

Concerning the qualifications of petitioner as a teacher.

No question arises upon this record of the qualifications of petitioner as a high school teacher. At the period in question petitioner was teaching Latin-American history. She had been taught by Dr. Tryon of the University of Chicago that open discussion of current events in classes was a good method of teaching history and that method was practiced by petitioner. During the period prior to December 8, 1941 there had been open discussions in class on the questions of isolation and intervention and pupils had frequently voiced their opinions on these subjects (Abst. 93).

That the methods of petitioner in teaching was highly satisfactory is evidenced by a letter written to petitioner

by W. H. Johnson, Superintendent of schools, carbon copies of which were sent to the District Superintendent and to the principal of the school. The letter written on June 10, 1941 is as follows:

"Dear Mrs. Joyce:

"May I congratulate you on your unique method of teaching students about the Senate and its activities! The intense interest that such a project elicits from high school youngsters almost insures its effectiveness from the outset. And when it is handled as intelligently and efficiently as you have handled it, there can be no doubt of its effectiveness.

"Be assured that I am as grateful for the originality and enthusiasm of your teaching as I am for its thoroughness, because your possession of these qualities means that you are not only instructing your students, but also inspiring them. You are fulfilling your duties as a teacher most admirably, Mrs. Joyce. May you have continued success in the future!" (Abst. 92).

Excitement over Pearl Harbor and Declaration of War.

Charge 1, that petitioner made Un-American statements in her class room derogatory to the United States Government grew out of the historical observations made in her classes on Monday, December 8, 1941. The attack on Pearl Harbor, the President's speech to Congress, the declaration of War, caused great excitement in the Hyde Park High School. It was in this atmosphere that petitioner's observations were made and received various interpretations, as various as their were students in the classes.

On the day following Pearl Harbor there was great excitement in the history classes. Petitioner sent home for her radio and it was tuned in to hear the President's ad-

dress to Congress. The open forum type of discussion and frankness in statement of historical facts and the national viewpoints on immigration and related subjects led to the complaints that petitioner had made un-American statements in class, and the very type of procedure praised by the Superintendent of Schools in June led to the complaints against petitioner in December. Following the class incidents on December 8, 1941, petitioner was called to the principal's office on December 9 and told that he had been asked by Mrs. Mellin (a member of the Board of Education) if she had made any un-American statements in class and petitioner told him that she did not think she had (Abst. 99). Petitioner continued teaching without incident until suspended on February 28, 1942.

The Letter to David Nyvall.

In a morning newspaper appearing in the evening of February 17, 1942 an article appeared about one, David Nyvall who had been in petitioners classes. Nyvall had failed to register under the Selective Service Act and had been taken into custody by the F. B. I.. The arrest was noticed in the public press which petitioner saw, and, recognizing her former pupil was in trouble, wrote to him a personal letter directed to his home address. Obviously he gave out some expressions to the press as to his objections to war. The article was not put in evidence but it must have had in it some expressions about war being mass murder as that was the interpretation put on it by petitioner (Abst. 119). The letter was inteercepted by the F.B.I. and turned over to David's father. The envelope was postmarked February 18, 1942, 10:30 A.M. (Abst. 60).

David's father lived at 5450 Blackstone Avenue (Abst. 125), and David lived at 1416 East 57th Street (Abst. 60).

The letter is as follows:

> "Dear David: Allow me to congratulate you on the courageous and idealistic stand you have taken on the war situation; war, which in reality is mass murder. I wish you success. You and others who take the same stand are the hope of America. Sincerely, Mrs. Rose K. Joyce."

Petitioner testified that she congratulated him upon his courage for standing up for what he thought was right, his courageous and idealistic stand and his attitude and was not congratulating him on his refusal to register (Abst. 59, 118, 126).

Petitioner did not publicize her letter.

About a week after the letter was written to David Nyvall, a newspaper reporter called on petitioner at the school and asked petitioner if she had written a letter to David Nyvall and she said that she had, and under questioning said that she had congratulated him on his courage to stand for what he thought was right. The call of the reporter was a surprise to petitioner (Abst. 126). When the news write up appeared in the press it conveyed the idea that petitioner had congratulated David upon his refusal to register. One paper, however, said the congratulations were offered on the display by David of his convictions (Abst. 127).

Following the publicity as to the letter the Superintendent of Schools on February 28, 1942 suspended petitioner and filed charges against her stating, without any supporting facts, that petitioner was "guilty of conduct unbecoming a school teacher." (Abst. 19).

The record does not state, but it is assumed that the

order of suspension was issued following the appearance of the newspaper items as the newspaper reporter found petitioner at work at school on the day he appeared to question petitioner about the letter.

The Superintendent of Schools reported to the Board of Education under date of February 28, 1942, that he had suspended petitioner because her services as a teacher "are unsatisfactory" and attached to the report the charges of "conduct unbecoming a teacher" and suggested a trial on the charges (Abst. 20). No facts were stated in the charge or report. The Board of Education approved the report (Abst. 19-20) and ordered a trial.

On April 1, 1942, petitioner was served with a copy of the charges made by the Superintendent as follows:

> "I charge that Rose K. Joyce is guilty of conduct unbecoming a teacher in the Chicago Public Schools for following reasons:
>
> "1. That she made un-American statements in her class room derogatory to the United States Government. 2. That she wrote a letter to a former student of hers who failed to register in accordance with the Selective Service Proclamation of the President of the United States, congratulating him on his 'courageous and idealistic stand.' "

The findings of the Committee show no cause for Dismissal.

The matter proceeded to hearing and testimony was taken on May 14, 21 and 22. The Board of Education sustained the findings of the Committee and by resolution adopted them.

First: As to the charge of making un-American statements in the class room derogatory to the United States Government the Committee erroneously treated the statement of matters of historical nature and illustration, made by petitioner as a teacher of history in a class room, as statements of fact made to her *out of character* to her pupils.

Second: As to the letter in question written to her former pupil the finding is no stronger than the charges. The letter was purely personal and was sent under seal by United States postage. Obviously it never reached David Nyvall, being intercepted by the F.B.I. and given to his father (Abst. 126). It contains an inference only and in nowise is unbecoming a teacher in the public school. It bore no odiom when explained.

The finding concerning the letter is as follows:

> "That she wrote a letter to a former student on February 17, 1942, the day following the former student's failure and refusal to register in accordance with the Selective Service Proclamation of the President of the United States and the provisions of the Selective Service Act, congratulating him on his 'courageous and idealistic stand,' wishing him success, and stating that 'you and others who take the same stand are the hope of America,' notwithstanding the fact that she knew that all male persons between the ages of 20-45 who had not previously registered were required under the law to register." (Abst. 132-133).

The finding is contrary to Board's evidence.

Petitioner explained that her purpose in writing to her former pupil was that she felt sorry for a boy she knew; that it was not that she had sympathy with boys who re-

fused to register but that she was in sympathy particularly with boys she had had in class and knew (Abst. 120).

Under examination as a witness called by the Board of Education as one of its own witnesses petitioner said she did not congratulate David on his refusal to register but that she congratulated him on his courageous and idealistic stand and his attitude, what he thought about war (Abst. 59).

Notwithstanding the obviously innocent interpretation to be placed normally upon the letter the Board presumed to understand the letter as advocating resistance to the Draft, a conclusion neither fair, nor logical.

The Viewpoint of Appellate Court.

The Appellate Court in passing upon the record decided to rest the affirmance of the judgment of the trial court solely upon the charge that petitioner had written the letter in question to David Nyvall.

The court noted the testimony as to what was said by petitioner in the history classes on December 8, 1941, but seemingly considered the evidence on that charge did not warrant the dismissal order of the Board. The court obviously concluded that class room discussions on a highly exciting question arising immediately upon the Pearl Harbor incident was too controversial to furnish a basis for holding that petitioner was guilty of conduct unbecoming a teacher. That was an era, as we know, when few wanted to listen to philosophical observations, and slowness to condemnation was liable to be looked upon as un-American conduct.

As to the testimony concerning the class room statements made in the character of teacher the opinion says:

> "However, in view of our conclusion that the letter to Nyvall was indefensible and constituted cause for her dismissal, we consider it unnecessary to discuss the testimony adduced upon the hearing as to other charges or to decide whether the findings in respect thereto are sustained by the record." (Abst. 159).

As the Appellate Court of Illinois rested its judgment of affirmance solely upon the letter written to petitioner's former pupil David Nyvall, we set out the basis upon which such finding must rest.

The Appellate Court remarked that petitioner argued that the "letter did not constitute cause for removal and that the Board of Education replied that it was for the Board to determine what constitutes cause" (Abst. 157).

The opinion then states:

> "Plaintiff (petitioner) takes the position that being a citizen as well as a teacher, she was entitled to freedom of speech, and therefore it was perfectly proper for her to write the letter as well as to make the statements attributed to her by her students which the committee found as an additional justifiable cause for dismissal." (Abst. 158).

After discussing the questions raised by the contentions the Court concludes:

> "We think the board was fully justified in finding that a teacher writing such a letter ought not to be permitted to continue as a teacher in the public schools, and having jurisdiction of plaintiff as an employee of the board, it had the right to determine whether her conduct constituted cause for dismissal" (Abst. 138).

Jurisdiction to review said judgment.

The Supreme Court of Illinois is the highest tribunal of the State of Illinois, and by its denial of said petition for leave to appeal the judgment of the Appellate Court of Illinois became final, and the writ of certiorari of this Court to review said judgment, if allowed, issues direct to said Appellate Court of Illinois, First District, Chicago, Illinois (*Chesapeake & O. R. Co.* v. *Mikas*, 280 U. S. 102, reversing 249 Ill. App. 446; *Minneapolis K. & Co.* v. *Rock*, 279 U. S. 410, reversing 247 Ill. App. 600; *Davis* v. *Aetna Acceptance Co*,, 293 U. S. 328, reversing 273 Ill. App. 628).

The decision of the Appellate Court of Illinois that the expressions in the letter in question were not protected by the constitutional guaranty of freedom of speech, and guaranty against the taking of property without due process of law, presents Federal questions which this court may review by certiorari, by virtue of Section 237(b) of the Judicial Code (28 U. S. C. A. Sec. 344).

It is contended that the decision made by the Appellate Court of Illinois to the effect that the private, controversial letter written by petitioner to one of her former students, not as teacher but as a private citizen, which neither she nor the student publicized, was a sufficient cause for dismissal of petitioner as a teacher, violated one of the privileges and immunities of citizens of the Unted States, *i.e.*, the right of freedom of speech guaranteed by the First Amendment to the Constitution of the United States.

The Applicable Statutes of Illinois.

The applicable school laws of Illinois provide that a teacher, after serving a probationary period of three years, may not be arbitrarily discharged, but can be dismissed only for cause. The law (Ill. Rev. Stat. Ch. 122, Par. 186, Sec. 161) is as follows:

> "No teacher or principal who has or shall be appointed by said board of education shall (after serving the probationary period of three years specified in Section 138 of this act) be removed except for cause, and then only by a vote of not less than a majority of all members of the board, upon written charges presented by the superintendent of schools, to be heard by the board, or a duly authorized committee of the same, after thirty days notice, with copy of the charges, is served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. At the request of any party such hearing shall be public. The action and decision of the board in the matter shall be final. Pending the hearing of such charges the person charged may be suspended as by the rules of the board may be prescribed: Provided, however, that in the event of acquital such person shall not suffer any loss of salary by reason of the suspension."

The proceeding before the Board of Education did not require any formal pleadings and the evidence was taken upon the informal charge made. But in the hearing of the charges the question of freedom of speech was a subject of discussion (Abst. 95, 100, 101, 106, 123, 124).

The Charges Were Without Subject Matter.

In the petition to the Circuit Court of Cook County for a writ of certiorari to bring up the record of the Board of

Education for review it was urged that the action of said school board operated to deprive petitioner of property without due process of law (Abst. 7); that because of the failure of the written charge filed with the Board of Education to allege any sufficient cause to dismiss plaintiff from her said employment, the finding and decision of the Board of Education was without jurisdiction. That the said finding, decision and order violated the provisions of the constitution of Illinois which provides that "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of this liberty * * *" (Section 4, Artice II, Constitution of Illinois, 1870) (Abst. 13). Also that said finding, decision and order of said Board of Education violated the 1st section of the Fourteenth Amendment of the Constitution which provides that "No state shall abridge the privilege or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law." (Abst. 13).

Questions Presented.

I.

Whether a private letter written by a High School teacher to a former pupil, intercepted and publicized by third persons, which has an innocent interpretation and which reflects no moral turpitude, or lack of enduring character, in the writer can be made a cause for an order of dismissal by a Board of Education.

II.

Does the freedom of speech guaranty, as one of the privileges and immunities of a citizen of the United States, protect a public School teacher from dismissal for having written a letter which does not reflect a mentality inconsistent with standards of character required in teachers of youth.

III.

Is petitioner deprived of property without due process of law where the complaint against her upon which the challenged judgment rests specifies no cause for dismissal.

IV.

Is petitioner deprived of due process of law where the Court affirms a judgment which in effect denies the right of freedom of speech.

Reasons for Allowance of Writ.

I.

The question here presented is not a local one for it affects the whole profession of teaching, in this, that petitioner, a talented and highly esteemed High School teacher, has had her right to teach distroyed by a ruling which gives as an alleged cause for dismissal a higher value than the right of freedom of speech guaranteed by our Constitution.

II.

From a reading of this record it is obvious that there was no real cause to dismiss petitioner as a teacher other than the willingness of public officials to act upon nothing more substantial than suspicion, and obvious war nervousness, and her property right in her chosen profession has been destroyed by a proceeding without substance.

III.

The action of the Board of Education and of the Appellate Court of Illinois, in sustaining its action, not only has denied the right and privilege of free speech, it has asserted that a teacher in a public school who wrote a private letter to a former pupil, congratulating him upon his view point against war, displays such a character as to unfit her for service as a teacher in public schools; *i. e.*, that the writing of such a letter is cause for dismissal from the service, notwithstanding the constitutional guaranty of freedom of speech and against arbitrary destruction of property rights.

IV.

It is thought that the expression of ideas stated either in private correspondence, or speech, cannot be made the cause of dismissal of a school teacher where the teacher has not offensively or ostentatiously publicized the statements even though the ideas expressed may not coincide with those of members of the Board of Education and where it is obvious that the entertainment of the ideas expressed do not *ipso facto* disqualify the speaker or writer from being a school teacher.

The Appellate Court therefore decided that the constitutional guaranty of freedom of speech did not protect petitioner from dismissal as a teacher when grounded upon her private communication to her former pupil, for the publicity of which neither she, nor the boy, were in anywise responsible.

The Opinion Below.

The opinion of the Appellate Court of Illinois, First District is reported as *Rose K. Joyce* v. *Board of Education,* 325 Ill. App. 543.

Jurisdiction.

The jurisdiction of this Court is invoked under Section 237 (b) of the Judicial Code, 43 Stat. 927, 28 U. S. C. A., Sec. 344(b).

The date of the final order of the Supreme Court of Illinois, denying petition for leave to appeal, is September 12, 1945 (Abst. 161).

On December 8, 1945, Mr. Justice Murphy entered an order extending the time within which to file this petition to December 29, 1945.

Errors Relied Upon.

The Board of Education erred in sustaining the changes preferred and in dismissing petitioner from the service.

The Circuit Court of Cook County erred in refusing to quash the record of the Board of Education of the City of Chicago and erred in quashing the writ of certiorari.

The Appellate Court of Illinois, First District, erred in affirming the judgment of the Circuit Court of Cook County.

Prayer.

Wherefore petitioner prays that this court allow this petition for certiorari and grant the writ of certiorari directed to the Appellate Court of Illinois, First District, Chicago, Illinois, to bring up the records in this cause here to review the decision of the Board of Education of the City of Chicago, the Circuit Court of Cook County and the judgment affirming the same by the Appellate Court of Illinois, First District.

ROSE K. JOYCE,
Petitioner

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